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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/615,424

07/08/2003

Donald E. Weder

8403.935

7491

30589

7590

07/28/2004

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EXAMINER

AHMAD, NASSER

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/615,424	Applicant(s) WEDER, DONALD E.	
	Examiner Nasser Ahmad	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/8/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 and 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weder (5111613) in view of the English abstract of Japanese Patent 47029902.

Weder relates to a method of making a decorative preformed flower pot cover comprising the steps of providing at least one sheet of flexible, non-shape sustaining polymeric material and forming the sheet into a preformed flower pot covering (abstract and col. 2, lines 49-54). As described in Weder, the pot cover includes a base (12) and a decorative border (14). The base, as shown in the drawings, has a closed lower end, an open upper end, an outer peripheral surface, an inner peripheral surface and a retaining space, and the base is provided with a plurality of overlapping fold that are connected with together (col. 2, lines 33-48). The skirt or decorative border extends outwardly. The cover can be of thin polymeric film material having a thickness of less than 1 mil to about 30 mils (col. 3, lines 36-42). The film can be of a single layer or a plurality of layers of same or different material (col. 3, lines 27-31). The presence of multi-layer film would provide for water imperviousness. The cover is provided with decorative pattern formed, embossed, printed or otherwise disposed on the outer

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peripheral surface thereof. The pattern can be printed designs, coatings, flocking, etc. (col. 3, line 64 to col. 4, line 3). However, Weder fails to teach expressly that the printed or embossed pattern would simulate the texture or appearance of paper. The English Abstract of Japanese Patent 74029902 discloses the formation of paper-like sheet with colored pattern by embossing the thermoplastic polymeric film. Therefore, it would have been obvious to one having ordinary skill in the art to utilize the English Abstract's teaching of using embossing to simulate the texture or appearance of paper onto a polymeric film in the invention of Weder with the motivation to provide for aesthetic appeal and strength.

The features of presence of acrylic heat sealable lacquer, colored adhesive, etc. are disclosed in US Patent 4,773,182 which is incorporated by reference into the Weder Patent.

3. Claims 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weder in view of Rohn (4201818).


Weder, as discussed above, fails to teach that the laminate film would have a layer of expanded film material. Rohn discloses the use of polymeric foam sheet that is embossed to provide for paper-like properties (abstract). Therefore, it would have been obvious to one having ordinary skill in the art to utilize Rohn's teaching of using foam sheet material having paper-like feel in the invention of Weder with the motivation to provide aesthetic appeal and soft feel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nasser Ahmad
Primary Examiner
Art Unit 1772

N. Ahmad.
July 26, 2004.